

## Introduced by Senator Machado

February 21, 2003

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An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

## LEGISLATIVE COUNSEL'S DIGEST

SB 999, as introduced, Machado. San Joaquin Valley Unified Air Pollution Control District.

Existing law establishes the San Joaquin Valley Unified Air Pollution Control District, and requires the district to be governed by an 11-member board, appointed by local officials.

This bill would increase the membership of the board to 15 members, with the new members being appointed by statewide officials. The bill would require the additional appointees to have a demonstrated interest and proven ability in the field of air pollution control, an understanding of the needs of the general public in connection with air pollution problems of the San Joaquin Air Basin, and the ability to discharge all duties and responsibilities of a member on a regular basis.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5 of Chapter 915 of the Statutes of 1994
- 2 is repealed.
- 3 ~~Sec. 5. (a) The San Joaquin Valley Unified Air Pollution~~
- 4 ~~Control District formed by the Counties of Fresno, Kern, Kings,~~
- 5 ~~Madera, Merced, San Joaquin, Stanislaus, and Tulare pursuant to~~



~~Chapter 3 (commencing with Section 40150) of Part 3 of Division 26 of the Health and Safety Code, and consisting of the Counties of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and that portion of the County of Kern that is within the San Joaquin Valley Air Basin, is a single integrated agency with all staff under one centralized management structure that is able to implement programs on a basinwide basis, and has all of the following:~~

~~(1) An individual air pollution control officer who is responsible for the issuance of all permits by the unified district.~~

~~(2) A single budget for the unified district with resources allocated based on the program needs of the San Joaquin Valley Air Basin.~~

~~(3) A uniform fee structure.~~

~~(4) Three hearing boards established pursuant to Section 40800 of the Health and Safety Code. One hearing board shall serve the northern region, one shall serve the central region, and one shall serve the southern region, as defined by the unified district board. Identical policies governing the operation of each hearing board shall be established by the unified district board and shall be binding upon each hearing board.~~

~~(5) A citizen's advisory committee.~~

~~(b) Rules and regulations adopted by the San Joaquin Valley Unified Air Pollution Control District are binding on all counties within the unified district. The unified district shall enforce all permits issued by the unified district and all permits issued by the individual county districts prior to formation of the unified district. The unified district shall review, revise, adopt, and implement any air pollution control plans required within the San Joaquin Valley Air Basin by state and federal law.~~

~~(c) Notwithstanding any other provision of law, the San Joaquin Valley Unified Air Pollution Control District shall be governed by a district board composed of 11 members, appointed as follows:~~

~~(1) Eight members, one of whom shall be appointed by each of the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The board of supervisors of each of those counties shall, by majority vote, appoint one of its members to serve as a member of the district governing board.~~

1 ~~(2) Three city members appointed by the cities within the~~  
2 ~~territory of the unified district. There shall not be more than one~~  
3 ~~city member selected from one county. One city member shall be~~  
4 ~~selected from the northern region, one from the central region, and~~  
5 ~~one from the southern region of the district. Of the three city~~  
6 ~~members, one shall be from a city having a population of less than~~  
7 ~~20,000, one shall be from a city having a population of not less than~~  
8 ~~20,000 and not more than 50,000, and one shall be from a city~~  
9 ~~having a population of more than 50,000.~~

10 ~~(d) (1) The San Joaquin Valley Air Quality Management~~  
11 ~~District is hereby created, operative pursuant to paragraph (5). The~~  
12 ~~valley district shall consist of the Counties of Fresno, Kings,~~  
13 ~~Madera, Merced, San Joaquin, Stanislaus, and Tulare, and that~~  
14 ~~portion of the County of Kern that is within the San Joaquin Valley~~  
15 ~~Air Basin.~~

16 ~~(2) The valley district shall assume all of the authority,~~  
17 ~~responsibilities, obligations, functions, and duties of the San~~  
18 ~~Joaquin Valley Unified District, if the unified district ceases to~~  
19 ~~exist, and shall assume the former unified district's membership on~~  
20 ~~the state board in accordance with subdivision (c) of Section 39510~~  
21 ~~of the Health and Safety Code.~~

22 ~~(3) The valley district shall have all of the powers, duties, and~~  
23 ~~functions of an air quality management district. The valley district~~  
24 ~~shall meet all of the requirements specified in paragraphs (1) to (6),~~  
25 ~~inclusive, of subdivision (a) and shall be governed by a district~~  
26 ~~board appointed as specified in subdivision (c).~~

27 ~~(4) The valley district shall enforce all of the rules and~~  
28 ~~regulations adopted, and permits issued, by the former unified~~  
29 ~~district. Those rules and regulations may be amended or repealed,~~  
30 ~~and those permits may be modified or revoked, by the valley~~  
31 ~~district.~~

32 ~~(5) This subdivision shall only become operative if the San~~  
33 ~~Joaquin Valley Unified Air Pollution Control District ceases to~~  
34 ~~exist, and shall, in that event, become operative on the date that the~~  
35 ~~unified district ceases to exist.~~

36 SEC. 2. Chapter 5.7 (commencing with Section 40600) is  
37 added to Part 3 of Division 26 of the Health and Safety Code, to  
38 read:  
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1 CHAPTER 5.7. SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION  
2 CONTROL DISTRICT  
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4 40600. The San Joaquin Valley Unified Air Pollution Control  
5 District formed by the Counties of Fresno, Kern, Kings, Madera,  
6 Merced, San Joaquin, Stanislaus, and Tulare pursuant to Chapter  
7 3 (commencing with Section 40150) of Part 3, and consisting of  
8 the Counties of Fresno, Kings, Madera, Merced, San Joaquin,  
9 Stanislaus, and Tulare, and that portion of the County of Kern that  
10 is within the San Joaquin Valley Air Basin, is a single integrated  
11 agency with all staff under one centralized management structure  
12 that is able to implement programs on a basinwide basis, and has  
13 all of the following:

14 (a) An individual air pollution control officer who is  
15 responsible for the issuance of all permits by the unified district.

16 (b) A single budget for the unified district with resources  
17 allocated based on the program needs of the San Joaquin Valley Air  
18 Basin.

19 (c) A uniform fee structure.

20 (d) Three hearing boards established pursuant to Section  
21 40800. One hearing board shall serve the northern region, one shall  
22 serve the central region, and one shall serve the southern region,  
23 as defined by the unified district board. Identical policies  
24 governing the operation of each hearing board shall be established  
25 by the unified district board and shall be binding upon each hearing  
26 board.

27 (e) A citizen's advisory committee.

28 40601. Rules and regulations adopted by the San Joaquin  
29 Valley Unified Air Pollution Control District are binding on all  
30 counties within the unified district. The unified district shall  
31 enforce all permits issued by the unified district and all permits  
32 issued by the individual county districts prior to formation of the  
33 unified district. The unified district shall review, revise, adopt, and  
34 implement any air pollution control plans required within the San  
35 Joaquin Valley Air Basin by state and federal law.

36 40602. (a) Notwithstanding any other provision of law, the  
37 San Joaquin Valley Unified Air Pollution Control District shall be  
38 governed by a district board composed of 15 members, appointed  
39 as follows:

1 (1) Eight members, one of whom shall be appointed by each of  
2 the Counties of Fresno, Kern, Kings, Madera, Merced, San  
3 Joaquin, Stanislaus, and Tulare. The board of supervisors of each  
4 of those counties shall, by majority vote, appoint one of its  
5 members to serve as a member of the district governing board.

6 (2) Three city members appointed by the cities within the  
7 territory of the unified district. There shall not be more than one  
8 city member selected from one county. One city member shall be  
9 selected from the northern region, one from the central region, and  
10 one from the southern region of the district. Of the three city  
11 members, one shall be from a city having a population of less than  
12 20,000, one shall be from a city having a population of not less than  
13 20,000 and not more than 50,000, and one shall be from a city  
14 having a population of more than 50,000.

15 (3) Two members appointed by the Governor, with the advice  
16 and consent of the Senate.

17 (4) One member appointed by the Senate Committee on Rules.

18 (5) One member appointed by the Speaker of the Assembly.

19 (b) The members appointed pursuant to paragraphs (3), (4),  
20 and (5) of subdivision (a) shall be residents of the district and shall  
21 be appointed on the basis of the following criteria:

22 (1) A demonstrated interest and proven ability in the field of air  
23 pollution control.

24 (2) An understanding of the needs of the general public in  
25 connection with air pollution problems of the San Joaquin Air  
26 Basin.

27 (3) The ability to attend substantially all meetings of the board,  
28 to discharge all duties and responsibilities of a board member on  
29 a regular basis, and to actively participate in the affairs of the San  
30 Joaquin Valley region.

31 (c) A member appointed pursuant to paragraphs (3), (4), and  
32 (5) of subdivision (a) may not designate an alternate for any  
33 purpose or otherwise be represented by another person in his or her  
34 capacity as a member of the board.